

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF BEE CAVE  
July 23, 2013

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

**Present:**

Caroline Murphy, Mayor  
Zelda Auslander, Council Member  
Michelle Bliss, Council Member  
Kara King, Council Member

**Absent:**

Steve Braasch, Mayor Pro Tem  
Paul Kline, Council Member

**City Staff:**

Frank Salvato, City Manager  
Travis Askey, Assistant City Manager  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Vincent Montez, Acting Police Chief  
Lindsey Withrow, Director of Community Services  
Katie Griffin, Director of Finance  
Giancarlo Patino, City Engineer  
Amy Kelley, Chief Technology Officer  
Stephen Myrick, Building Official  
Barbara Hathaway, Library Director

**Call to Order and Announce a Quorum is Present**

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, July 23, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments**

Veronica Putney, 13308 Overland Pass, requested that the Council follow the Master Plan for the City.

Barbara Hathaway, Library Director, reported that the finale of the summer reading program was being held on Saturday, July 27<sup>th</sup> at 2:00 p.m.

**Consent Agenda**

- A. Consider approval of minutes of the Regular meeting conducted on July 9, 2013.
- B. Consider approval of the monthly financial and investment reports.

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member Auslander, to approve the consent agenda.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Council Members Auslander, Bliss and King
Voting Nay:	None
Absent:	Mayor Pro Tem Braasch and Council Member Kline

The motion carried.

**Discuss and consider action on Ordinance No. 155 amending the Shops at the Galleria Comprehensive Sign Package.**

Director of Community Services Lindsey Withrow presented this item

Daniel Myrick, General Counsel for Shops at the Galleria, also reported on this item.

Carroll Killebrew, 5410 Great Divide, stated that he was also opposed to hand held signs. He requested that the Council keep a consistent standard.

After numerous questions and discussion, the Council agreed on the following:

1. The Shops shall be authorized to utilize the "Welcome" signs on both the east and west entrances to announce new store openings for 15 consecutive days (with the same size/material restrictions currently imposed on the Farmer's Market Signs);
2. The Shops shall be authorized to utilize six (6) 18" x 24" yard stake signs (same number, size and material as approved for Famer's Market/Special Events) within the Shops and along Shops Parkway to "direct" customers to the new store for 15 consecutive days; and
3. The Shops shall be authorized to utilize a "Temporary New Business" sign at the center entrance of the Project to announce new businesses for 15 consecutive days. The "Temporary New Business Sign" shall be securely affixed to the 4x8 feet Leasing Sign located near the center entrance to the Project, as depicted in Exhibit B, attached hereto. The "Temporary New Business" Sign shall be constructed of a corrugated plastic or metal detachable panel just like the panels utilized on the east

and west “Welcome” signs. The Shops shall only be authorized to locate a “Temporary New Business” sign at this location so long as “Temporary New Business” signs are not utilized on the “Restaurant Sign” and so long as human signs are not utilized within this Project.

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member King, to approve Ordinance No. 155 as amended above.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Mayor Pro Tem Braasch and Council Member Kline

The motion carried.

**Discuss and consider action on consulting agreements with Gallagher Benefit Services, Inc. for employee benefits.**

City Manager Frank Salvato presented this item. He stated that he asked Gallagher to move the renewal date of the agreement from July 1<sup>st</sup> to October 1<sup>st</sup> to coincide with the fiscal year. Council is also being asked to approve an interim agreement with Gallagher for the 3 month period of July 1<sup>st</sup> to October 1<sup>st</sup>. This amount is \$2,000. The new agreement for the fiscal year beginning October 1<sup>st</sup> is \$8,000.

Jeff Kloc with Gallagher Benefit Services was present and fielded questions from the Council.

The City Council requested that language be added to the annual contract as follows:

“Consultant agrees that the compensation paid by Client shall constitute the entire amount of compensation due consultant and shall not accept and shall waive any fees, bonuses or other payments from providers or third parties related to services provided pursuant to this agreement. Provided however, if a fee or bonus cannot be waived, consultant agrees to reduce the compensation due from client by the amount of the fee or bonus.”

**MOTION:** A motion was made by Council Member Auslander, seconded by Council Member Bliss, to approve the contract agreements with Gallagher Benefit Services as amended.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Mayor Pro Tem Braasch and Council Member Kline

The motion carried.

**Discuss and consider action on renewing the contract with Texas Municipal League Intergovernmental Employee Benefits Pool for employee health insurance and benefits for fiscal year 2013-2014 or authorize staff to call for bids and including approval of the Continuation of Coverage Administrative Agreement (COBRA).**

Mr. Kloc presented this item. Medical rates will increase by 7% and the dental rate will remain the same.

**MOTION:** A motion was made by Mayor Murphy, seconded by Council Member King, to approve the renewal of the medical and dental plans with TML-IEBP and the COBRA agreement.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Mayor Pro Tem Braasch and Council Member Kline

The motion carried.

The City Council recessed the meeting at 6:55 p.m. and reconvened at 7:03 p.m.

**Discuss and consider action on qualifications received for the library architectural design and set dates for presentations.**

Library Director Barbara Hathaway presented this item. The City received 11 responses to the request for qualifications. The Review Committee rated the top three.

The City Council agreed to set a workshop session to interview the top ranked firms.

**Discuss and consider action on a request for a Special Event Permit with Revival located at 13308 W. Highway 71.**

Ms. Withrow presented this item.

**MOTION:** A motion was made by Council Member King, seconded by Council Member Auslander, to approve the Special Event Permit until December 31, 2013.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Mayor Pro Tem Braasch and Council Member Kline

The motion carried.

**Discuss and consider action on an Inter-local Agreement for Public Health Services between the City of Austin and City of Bee Cave.**

Mr. Salvato presented this item. He stated that businesses needing health permits apply directly to the Austin/Travis County Health and Human Services. They collect the fees as established by the City of Austin. The City of Bee Cave does not collect any fees.

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member Auslander, to approve the Inter-local Agreement with the City of Austin for public health services.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Mayor Pro Tem Braasch and Council Member Kline

The motion carried.

**Discuss and consider action on Ordinance No. 150 amending Chapter 20 – Utilities and Chapter 30 – Subdivisions to authorize the City Manager to approve fiscal security administratively.**

Mr. Salvato reported that Staff has drafted an ordinance to amend Chapters 20 and 30 to allow fiscal security to be administratively approved. This would speed up the development process by alleviating the need for waiting for a Council meeting.

City Attorney Patty Akers will still review and approve, as to form, the letter of credit or performance bond prior to approval.

**MOTION:** A motion was made by Council Member Auslander, seconded by Council Member King, to approve Ordinance No. 150 amending Chapter 20 and 30 of the Code of Ordinances.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Mayor Pro Tem Braasch and Council Member Kline

The motion carried.

**Discussion regarding appropriate zoning categories for Assisted Living type uses.**

Mr. Salvato stated that the purpose of this item was to provide the Council with information related to Assisted Living type uses in other Texas municipalities.

John Coleman, 5201 Great Divided, asked the Council to be pro-active instead of reactive.

Heather Cadenhead, 13906 Lone Rider Trail, spoke on the parking issues at the facilities. She stated that most of the residents choose not to drive.

Mr. Killebrew commented that the issue was required services like transportation.

Mrs. Putney commented that the older generation wants to be part of the community.

The City Council agreed that Staff should proceed with additional research and prepare and ordinance for consideration. This use and the necessary language will be part of the updated Comprehensive Plan and Zoning Ordinance updates.

**Discuss and consider action on quotes received to paint the Old Bee Cave Schoolhouse.**

Assistant City Manager Travis Askey presented this item. The Staff received 3 quotes.

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member Auslander, to approve a contract with Protect Painters in an amount not to exceed \$10,000 for the painting and repairs of the Old Bee Cave Schoolhouse.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Council Members Auslander, Bliss and King
Voting Nay:	None
Absent:	Mayor Pro Tem Braasch and Council Member Kline

The motion carried.

**Staff update on the relocation of the Central Park dog park and trail extensions.**

Mr. Salvato updated the Council on the preliminary design including cost estimates of the relocation of the City's Dog Park and the extension of the hike and bike trails.

The City Council requested that the Staff look at alternative sites for the dog park and cost estimates.

This item will be placed on the next Economic Development Board meeting and Council meeting.

**Discuss and consider action on the appointment of members to the Economic Development Board.**

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member Auslander, to appoint Bill Goodwin to Position 4 of the Economic Development Board.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Mayor Pro Tem Braasch and Council Member Kline

The motion carried.

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member Auslander, to appoint Kara King to Position 5 of the Economic Development Board.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Mayor Pro Tem Braasch and Council Member Kline

The motion carried.

**Executive Session:**

The City Council closed the Open Session at 9:49 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding City's authority under the Spillman Development Agreement and possible litigation associated with development of property subject to the Spillman Agreement.
- B. Consultation with Attorney regarding authority of Municipal Utility District to locate in the City's Extraterritorial Jurisdiction.

The City Council closed the Executive Session at 10:31 p.m. and reconvened in Regular Session in the Council Chambers.

No action was taken on the above items.

**Adjournment**

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member Auslander, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Mayor Pro Tem Braasch and Council Member Kline

The motion carried.

The City Council adjourned the meeting at 10:31 p.m.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Caroline Murphy, Mayor

ATTEST:

\_\_\_\_\_  
Kaylynn Holloway, City Secretary